

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Emmitt Fraley,

File No. 21-cv-2018 (ECT/KMM)

Plaintiff,

v.

**ORDER ACCEPTING REPORT
AND RECOMMENDATION**

B. Birkholz, *Warden of Federal Prison
Camp Duluth*, and Michael Carvajal,
Director of the Federal Bureau of Prisons,
both in their official capacities,

Defendants.

Magistrate Kate M. Menendez issued a Report and Recommendation on October 13, 2021. ECF No. 5. No party has objected to that Report and Recommendation, and it is therefore reviewed for clear error. *See* Fed. R. Civ. P. 72(b); *Grinder v. Gammon*, 73 F.3d 793, 795 (8th Cir. 1996) (per curiam). Finding no clear error, and based upon all of the files, records, and proceedings in the above-captioned matter, **IT IS ORDERED THAT:**

1. The Report and Recommendation [ECF No. 5] is **ACCEPTED**;
2. Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** pursuant to Fed. R. Civ. P. 41(b) for failure to prosecute.

LET JUDGMENT BE ENTERED ACCORDINGLY.

Dated: November 15, 2021

s/ Eric C. Tostrud

Eric C. Tostrud

United States District Court